IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

Crl.MC.No. 2484 of 2007()

SC.897/2000 of ADDL.SESSIONS COURT-TRIAL OF ABKARI ACT CASES,NEYYATTINKARA
CRIME NO.144/98 OF VELLARADA POLICE STATION

.....

PETITIONER: ACCUSED

SUDHARSANAN, S/O.KRISHNA PILLAI,
PARAVILAKOM PUTHEN VEEDU,
NEAR MAMCODE BRIDGE, PULIYOORSALA,
KANNYAKUMARI DISTRICT, TAMILNADU.

BY ADV. SRI.G.SUDHEER

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2484 of 2007

Dated this the 3rd day of August, 2007

O R D E R

Petitioner faces allegations under Section 55 of the Kerala Abkari Act. The co-accused has already been tried, found not guilty and acquitted. The case against the petitioner has been split up. Consequent to the non appearance of the petitioner, a warrant of arrest issued by the Additional Sessions Judge for trial of Abkari Act Cases, Neyyattinkara is chasing him. The case has now been transferred to the list of Long Pending Cases. According to the petitioner, he is absolutely innocent. His absence earlier was not wilful. The petitioner is now willing to appear and apply for bail and co-operate with the court for expeditious disposal of the case. The petitioner apprehends that his application for bail may not be considered by the learned Additional Sessions Judge on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 482 Cr.P.C may be issued in favour of the petitioner.

2. It is for the petitioner to appear before the learned Additional Sessions Judge and explain to the learned Judge the circumstances under which he could not earlier appear before the

learned Judge. I have no reason to assume that the learned Additional Sessions Judge would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Additional Sessions Judge and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Additional Sessions Judge must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-

//true copy// PA to Judge